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PATENT  
ATTORNEY DOCKET NO.: 053933-5061

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

|                             |   |                        |
|-----------------------------|---|------------------------|
| In re Application of:       | ) |                        |
|                             | ) |                        |
| Hee-Dong KIM et al.         | ) | Confirmation No.: 4801 |
|                             | ) |                        |
| Application No.: 10/734,199 | ) | Group Art Unit: 2873   |
|                             | ) |                        |
| Filed: December 15, 2003    | ) | Examiner: J. Dinh      |
|                             | ) |                        |
| For: OPTICAL PICKUP DEVICE  | ) |                        |
| COMPRISING ACHROMATIC PRISM | ) |                        |

Commissioner for Patents  
U.S. Patent and Trademark Office  
2011 South Clark Place  
Customer Window, Mail Stop Amendment  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION TRANSMITTAL FORM**

1. Transmitted herewith is a Response and Request for Reconsideration responding to the Office Action dated September 20, 2004.
2. Additional papers enclosed:
  - ☐ Drawings: ☐ Formal ☐ Informal (Correction)
  - ☐ Information Disclosure Statement
  - ☐ Form PTO-1449, \_\_\_\_\_ references included
  - ☐ Citations
  - ☐ Declaration of Biological Deposit
  - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

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01 FC:1251 120.00 DA

3. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants believe that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicants have inadvertently overlooked the need for a petition and fee for extension of time.
- ☒ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

| <u>Total Months Requested</u>                 | <u>Fee for Extension</u> | <u>[Fee for Small Entity]</u> |
|---|--------------------------|-------------------------------|
| <input checked="" type="checkbox"/> one month | \$ 120.00                | \$ 60.00                      |
| <input type="checkbox"/> two months           | \$ 450.00                | \$ 225.00                     |
| <input type="checkbox"/> three months         | \$ 1,020.00              | \$ 510.00                     |
| <input type="checkbox"/> four months          | \$ 1,590.00              | \$ 795.00                     |

Extension of time fee due with this request: \$120.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☐ An extension for \_\_\_\_\_ months has already been secured and the fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

4. Constructive Petition

- ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

5. Fee Calculation (37 C.F.R. §1.16)

| CLAIMS AS AMENDED                                     |   |       |                                |                  |               |            |
|---|---|-------|--------------------------------|------------------|---------------|------------|
|   | Claims<br>Remaining<br>After<br>Amendment |       | Highest No.<br>Previously Paid | Present<br>Extra | at Rate of    | Total Fees |
| Total Claims<br>(37 C.F.R. §1.16(c))                  | 9   | minus | 20                             | 0                | x \$50 each=  | + \$00.00  |
| Independent Claims<br>(37 C.F.R. §1.16(b))            | 4   | minus | 4                              | 0                | x \$200 each= | + \$00.00  |
| [ ] First presentation of Multiple dependent claim(s) |   |       |                                |                  | \$360.00      | + \$00.00  |
| SUB-TOTAL =   |   |       |                                |                  |               | \$00.00    |
| Reduction by ½ for filing by a small entity           |   |       |                                |                  |               | - \$00.00  |
| TOTAL FEE =   |   |       |                                |                  |               | \$00.00    |

6. Fee Payment


- ☐ No fee is to be paid at this time.
- ☒ The Commissioner is hereby authorized to charge Deposit Account 50-0310 in the amount of **\$120.00** for a one-month extension of time.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, including fees due under 37 C.F.R. §§ 1.16 and 1.17, or credit any overpayment to Deposit Account 50-0310.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

Dated: December 22, 2004

By:

  
Victoria D. Hao  
Registration No. 47,630

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Arlington, VA 22202

Sir:

**RESPONSE AND REQUEST FOR RECONSIDERATION**

In response to the Office Action dated September 20, 2004, the period for response to which extends through January 20, 2005 by the concurrent filing of a request for one-month extension of time and corresponding fee payment, favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.